

**Status Report: Implementation Of The Supreme Court Order On Right To Food
And Work In West Bengal**

Date: - 20.03.03

1. Progress in Redress Mechanism

The West Bengal Government has appointed a nodal officer, Shri BL Meena, Special Secretary, Ministry of Food and Essential Commodities. It has also been informed by a court order about the appointment of the assistant to the Commissioner. It is therefore now co-operating in giving information to the assistant. I met the nodal officer on 6th January, had asked him for information, and had given complaints that were received by me. He has supplied me with information in January and February on most of the schemes covered under the order. In addition, Shri TK Majumdar, Joint Secretary, Department of Panchayat and Rural Development, and in charge of the SGRY scheme has sent information on this scheme.

2. Display of Supreme Court order still not there

According to the Nodal Officer, copies of the Court orders dated 28.11.2001 and 8.5.2002 have been displayed at Panchayat offices and fair price shops. The Nodal Officer has also provided the compliance reports of some districts.

District	Details of district administration's compliance report
Paschim Medinipore	DM's letter dated 7.1.03 declaring copies of orders have been displayed in all fair price shops
Jalpaiguri	ADM's letter dated 3.1.03 declaring copies of orders have been displayed in all fair price shops, GP offices and school buildings
Cooch Behar	ADM's letter dated 30.12.02 declaring compliance in display of orders.
Bankura	District Controller, Food and Civil Supplies letter dated 6.1.03 stating display of order dated 28.11.01 at all fair price shops
Malda	ADM's letter dated 27.12.02 declaring compliance in display of orders.
Uttar Dinajpur	District Controller, Food and Civil Supplies letter dated 28.11.02 stating display of order at all fair price shops
Burdwan	District Controller, Food and Civil Supplies letter dated 14.11.02 stating display of order dated 28.11.01 at all fair price shops

South 24 Parganas	DM's letter dated 5.12.2002 to all SDOs, stating that all SDOs have given compliance report on display of order.
Birbhum	ADM's letter dated 13.12.02 declaring compliance in display of orders.
Birbhum	District Controller, Food and Civil Supplies letter dated 10.12.02 stating display of order dated 28.11.01 and 8.5.2002 at all fair price shops
North 24 Parganas	District Controller, Food and Civil Supplies letter dated 15.7.02 stating display of order dated 28.11.01 and 8.5.2002 at all fair price shops

However, this is not true according to reports of various NGOs. In three of these districts – North 24 Parganas, South 24 Parganas and Paschim Medinipore , people from various villages have complained that orders have not been displayed. In addition, the Right to Food and Work West Bengal Network has submitted a list of villages about which complaints of non-display of the Supreme Court's order were sent to the Panchayat Secretary in August, 2002. Many of these villages have still not displayed the order (e.g. In Paschim Midnapore district, Ainkula 7 No. GP in Datan 1 block; in Purulia district, Bela GP in Balarampur block, Berada GP in Barabazar block, Santuri and Gorshikha GPs in Santuri block and Puncha GP in Puncha block.)

3. Display Of Beneficiary List Still Not Done

The Assistant had said that in some Gram Panchayats, lists of beneficiaries are still not being displayed. Consequently, many people do not know about the beneficiaries under the various schemes. There has been no reply about this from the Nodal Officer. Beneficiary lists have still not been displayed in many villages. Petitions and complaints received about this are enclosed in **Annexure 1**.

4. Identification of BPL Families Incomplete

The Assistant asked for the details of the procedure by which families were selected for BPL, and the criteria used for the choice; the date by which the State Government plans to make the revised list public in all districts of West Bengal.

The Nodal Officer has provided the Assistant with guidelines that were issued by the State Government on 21.5.2002 for rural areas to all DMs and on 14.6.2002 for urban areas.

There are certain problems in the entire process of BPL revision . These are as follows :-

- i. In his covering letter dated 7.2.03, the Nodal Officer mentions that “as per NSSO survey, the BPL out of the rural population is 31%. 10% of the 31% is the allowable limit for the purpose of the fresh survey of BPL families in 2002. The report of the

Department of Panchayats and Rural Development shows that 36% of rural population belong to BPL and the same is nearly at par with the permissible limit.” At the same time, it is mentioned in the guidelines that the State Government has used a criterion of Rs. 274.35 per capita per month to define the poverty line in rural areas. The problem that had arisen in many blocks was that the number of people with income below Rs.274.35 were much above 36% of the population and the blocks were then asked to cut names off the list in a totally ad hoc manner to keep to the limit of 36%, making the poverty line figure of Rs. 274.35 redundant.

- ii. The figure of Rs.274.35 per capita per month was the poverty line at 1996-97 prices. The State Government does not seem to have made any provisions for changes in price levels and has used the same figure for defining the poverty line in 2002.
- iii. Working instructions for the revision of the BPL list issues on 30th May, 2002 by the State Government laid down a procedure by which the existing list (old list) was to first be made public in the Gram Panchayat office and wide publicity was to be given by drum/publication in newspaper etcetra. No such publicity was done. In fact the Right to Food and Work West Bengal Network complained about this to the Panchayat Secretary (**Annexure 2**) on, but received no response.
- iv. Competent officers were to be involved in looking at objections and examining claims. However, no such involvement or due procedure was followed in many places . An example is in the case of the Pradhan of Raipur GP , Pathar Pratima block , South 24 Parganas who admits to following ad hoc procedures while dealing with the BPL list.
- v. Similarly, there was no procedure laid down for consultation with the people before finalising the list so that people could look at the revisions being made by the authorities and could give their comments before final publication of the list. The lists have therefore been revised with practically no public debate, although the Gram Sansad meetings or meeting of all the voters in a booth is an existing system that could have well been used by the West Bengal Government for consultation .

There is wide spread discontentment with the revision of the BPL list and there are severe anomalies. Questions have been raised about it in the Bidhan Sabha . The Bengali news programme “Khas Khabar” and dailies have carried news about the Panchayat Samity Sabhapati and an MLA having their names on the BPL list, while those of domestic servants and manual labour in the same villages have been excluded. Local chapters of many political parties have also been giving deputations about it. That the guidelines have not been followed is also obvious from copies of petitions that have been given to me (**Annexure 3**).

- individuals have received no response to appeals for enlistment in the BPL list.
- BPL lists have not been displayed in many places.
- there have also been complaints of many families being struck off the BPL list inspite of no change in their economic situation.
- People are also complaining about rich people being included in the BPL.

In addition, though the final list was supposed to be prepared and published by the 1st July, 2002 in rural areas and by 17.7.2002 in urban areas, it has not been finalised and displayed in many areas till today. Women from Boyermari 2 GP in Sandeshkhali 1 block complained to me about not being shown the revised BPL list by the Pradhan inspite of repeated requests.

5. Ad hoc distribution of BPL cards

In Paschim Midnapore, complaints have been received from 5 families where one member of the family has been issued a BPL card while another member of the family has been issued an Antodaya Anna Yojana card (**Annexure 4**). It reflects the total ad hoc manner in which BPL cards are being issued, where one or two members of the family (the wife and daughter) are being identified as BPL or below poverty line while the husband has been identified as being even poorer and eligible for Antodaya Anna Yojana or for very cheap grains. Those distributing cards are obviously interested in using the BPL and Antodaya Anna Yojana seal as means of distributing political largess rather than as a means of ensuring that food reaches hungry families.

6. Opening of ration shops

The State Government has ordered ration shops to remain open from 7 am to 11 am and 2.30 p.m. to 5.30 p.m. (from 16th October to 15th March) , with closure only on Sunday afternoons and for the whole day on Mondays. Some districts (e.g. District Controller, Food and Supplies, North 24 Parganas) have given compliance reports on this.

The field reports that have been received however show that ration shops continue to remain open for 1-2 days in the week. These reports have been received from villages in South 24 Parganas, North 24 Parganas, Nadia, Paschim Midnapore and Purba Midnapore. These reports are given in **Annexure 5**.

7. SGRY Funds Are Available , But No Work Has Been Provided For Applicants

The Assistant gave a list of villages and blocks where work has been applied for under

the SGRY, but where no work has been started, to the Nodal Officer on 6.1.02. (See **Annexure 6**) . The Department of Panchayats and Rural Development has sent letters to DMs of the districts from which complaints of no work under SGRY were received. The applicants have still not received work

On the other hand, the report provided by Shri TK Majumdar, Joint Secretary, Department of Panchayat and Rural Development, through email, shows that there are sufficient funds available in the districts in which work is being asked for. About 30-45 % funds were still available at the end of January, 2002. In fact in Purulia district that was struck by drought this year, 73% of the funds remains unspent. Purulia has seen a huge exodus of poor labour families, in search of food and work this year. For example in Ashanboni village (Ramnagar Baromeshey GP, Manbazar 1 block, Purulia district), people had applied for work under SGRY on 26th September , 2002. Till today, little work has been provided and of the 45 families in this tribal village, 5 have migrated totally with all family members, and from all other families, most of the able-bodied men, women and teenagers have also left the village.

More applications asking for work under SHRY are given in **Annexure 7**.

Funds Spent Under SGRY in 2002-03 upto January 2003

	Stream 2 (from Block and District)			Stream 1(from Anchal or Gram Panchayat)		
	Total Availability of Fund	Expenditure	% Of Expend. On Avail. Of Fund	Total Availability of Fund	Expenditure	% Of Expend. On Avail. Of Fund
Nadia	1079.37	674.32	62.47	976.33	606.62	62.13
North 24-Pgs.	1313.94	755.05	57.46	1569.41	1099.09	70.03
South 24-Pgs.	1592.00	1028.99	64.64	1010.42	672.50	66.56
Purba Midnapur	719.62	464.39	64.53	794.56	556.52	70.04
Paschim Midnapur	1329.84	834.39	62.74	1436.19	867.45	60.40
Purulia	998.93	681.97	68.27	3014.27	1143.08	37.92
Total for all districts :	20515.99	12191.83	59.43	21191.50	11549.59	54.50

8. Identification of Beneficiaries and Distribution of Foodgrains under Annapurna and Antodaya Anna Yojana

The report provided by the Nodal Officer shows that under the Antodaya Yojana the number of identified beneficiaries are 704655 as against the target of 793937 beneficiaries i.e. 89282 remain to be identified. Also, the number of targeted beneficiaries under Annapurna Anna Yojana is 80020, but identified beneficiaries are 56539 i.e. 23481 remain to be identified.

Though there are still beneficiaries left to be identified, the local authorities have not responded to applications by destitute and needy persons for enlistment under these schemes. Petitions to this effect are given in **Annexure 8**. It should be noted that these are applications from only a few villages in two GPs of North 24 Parganas.

Some beneficiaries have also complained that they are not receiving the full amount of grains under Annapurna Yojana and Antodaya Anna Yojana, inspite of enlistment .

Annexure 9 contains details of such complaints.

9. NOAPS money delayed

The Nodal Officer has given statements of financial and physical progress for the year 2001-2002 and upto September 2002 for NOAPS. These show that upto September 2002, no funds have been received under NOAPS for the year 2002-2003 .This means that pension holders under NOAPS are definitely not receiving money by the 7th of every month. In fact, there must have been delays of at least a year in the instalments that they are receiving . The Job Assisant of Dogacchia 6 No. GP, Nakashipara block, informed a deputation of the Paschim Banga Khet Majoor Samity and Shramajibee Mahila Samity in writing on 12.12.02 that from pensions for the period December 2000 to June 2001 were distributed from 12.07.02 to 17.07.02 and since then no pensions had been given.

10. Non utilisation of funds under NFBS and NMBS

The Nodal Officer has also given statements of financial and physical progress for the year 2001-2002 for NFBS and NMBS and upto September 2002 for NFBS and November, 2002 for NMBS. These show that no funds have been received under NFBS upto September 2002 for the year 2002-2003.

Till September 2002, the State Government had spent only 56.44% of the funds allocated in 2001-2002 and no money from that allocated in 2002-2003. Yet, various people have applied for help under NFBS and not received the same till today. Their names are given in **Annexure 10**.

In addition , under the NMBS, certain districts have spent no money at all from

the funds allocated. These districts are Darjeeling, Murshidabad, and Birbhum. It should be noted that Birbhum and Murshidabad are amongst the poorer districts in West Bengal and have large tribal and Muslim populations. In addition, the districts of Howrah and Purba Midnapore have spent less than 10% of the funds allocated. Overall ST or tribal beneficiaries form only 6% of the total beneficiaries under NMBS. By November, 2002, the State Government had spent only 48% of the funds allocated under NMBS, and that too without getting the second instalment for 2002-2003 under NMBS. This means that at the end of the financial year in March 2003, much of the funds under NMBS shall remain unspent. On the other hand, in many parts of the state women shall not receive benefits under NMBS, with very few ST women receiving benefits.

11.MDMS barely started

For MDMS, the State Government has allotted Rs. 162.09 lakhs to start cooked meals in some of the schools (1100 schools) in 5 districts. The exact areas/ blocks/GPs in which these schools are has however not been given, inspite of the Assistant's request for this information. Therefore, it is not possible to say what the performance is like. In addition, inspite of the Assistant's request to give the date by which the State Government intends to start cooked meals in other districts of West Bengal, the nodal officer has provided no such date. Therefore, we do not as yet know when this facility will be extended to all primary school children.

It should also be noted that the Education Minister had said that Rs.360 crores would be required to implement the scheme in the entire State. Thus an allocation of only Rs.169.09 lakhs that is only 0.47% of the required amount shows that the State Government is paying only lip service to the commitment it has given in the Supreme Court to starting this scheme.

In addition, parents of children in schools where cooked meals have not been started are complaining that they have not been receiving 3 kgs of dry rice every month. There are also complaints about the quality of rice being given to them. Complaints of not having received dry rice for the past 5-6 months, at least, were received from schools in Purba Midnapore (Village Bartana, Egra 1 Block), Paschim Midnapore (villages in No. 7 Ainkola G.P. and No.6 Chakismailpur GP Under Dantan 1 Block), and in Purulia district (Gorshikha and Santuri GPs in Santuri block, Pancha GP in Pancha block, Bela GP in Balarampur Block, Berada Anchal in Bara Bazar block). Villagers of Dhebradi in Bela GP of Balarampur block complained that they have not received dry rice in their primary school since 2001. In addition, 2.5 quintals of rice received by their school in 2001 were not distributed to the children despite repeated requests to the

school authorities to do so and have instead rotted in a locked up schoolroom in their village.

12.ICDS – no food for adolescent girls, stoppage of food for infants for 6 months

Under the ICDS, we have found that everywhere, inspite of the court order, adolescent girls have not been receiving food from the Anganwaris. At most, in one centre only 1-2 girls have been identified for food, though there are many such girls present in the village. No reply has been received on this from the Nodal Officer. During discussions with the Shramajibee Mahila Samity, the CDPO at Balarampur block in Purulia district has said that they have been ordered to provide food only to adolescent girls with a body weight of less than 35 kgs and not for all adolescent girls. However, the Supreme Court's order does not contain any such stipulation.

In addition, members of the Shramajibee Mahila Samity from 6 No. Dogacchia and Muragacha GP in Nakashipara block complained on 6.1.03 to the CDPO, Nakashipara block, Nadia district, that food for infants (6 months to 3 years) had been stopped from May, 2002. In addition, they complained that food at the Anganwaris had also been stopped from 14.11.02. The CDPO has assured them that the infants and children will be given all the foodgrains that are due. The Shramajibee Mahila Samity has recently sent the information that food at the ICDS centres in these two GPs has been stopped again.

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March, 2003.

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(under Civil Writ Petition 196 /2001)

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